

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1904.02
COMPLAINT INVESTIGATOR: Connie Rahe
DATE OF COMPLAINT: April 22, 2002
DATE OF REPORT: May 22, 2002
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: July 19, 2002

COMPLAINT ISSUES:

Whether the Muncie Community Schools and the Delaware-Blackford Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to monitor the use of an assignment book;
- b. failing to provide a computer for the student's use for lengthy writing assignments;
- c. failing to allow extra time for completion of assignments; and
- d. failing to provide books on tape.

511 IAC 7-27-5(a) and (c) by failing to provide the parent with a copy of the case conference committee report and IEP within 10 business days of the case conference committee meeting convened on March 15, 2002.

FINDINGS OF FACT:

1. The student is 12 years old, attends grade 6, and has been determined eligible for special education and related services under the category of learning disability.
2. In a letter of complaint, dated April 22, 2002, the parent contends that the resource room teacher failed to consistently monitor the student's homework notebook. In the section for listing appropriate accommodations and/or modifications, the IEP dated March 15, 2002, stated that the student "will increase the numbers of days that he copies assignments into daily assignment book from 0/5 days to 5/5 days per week." The monitoring schedule listed in the IEP is "daily," and evaluation procedures listed are "charting" and "observing." The CCC Summary notes state that the teacher "will check the assignment book during resource period and then when (the student) gets home, his mother can check for the remainder of the day." A notice from the resource teacher to all teachers who work with this student listed strategies to be followed for this student, including, "All teachers will sign his assignment book daily and indicate "complete" for work done and turned in," but the student's homework notebook does not show that this was done daily. The director reports that the teacher checked the homework notebook to see that the student had been properly writing the assignments into the notebook, but she did not check the notebook daily or sign it daily.
3. The parent contends that the school failed to provide a computer for the student's use for lengthy assignments but did not identify a specific instance in which the student was not permitted to use the computer. The student's March 15, 2002, IEP states that the use of a computer is allowed for lengthy

written assignments, at the student's option, but it does not provide details about whether the student is to request use of the computer or if it is automatically provided for assignments. Nor was "lengthy assignments" defined in the IEP. The school contends that the student has access to computers to use daily in the resource room, in some of the other classrooms, and in the library. The student is asked if he wants to use a computer when he is working on long assignments but he sometimes declines. A check-sheet was passed to all the student's teachers to document access to accommodations, and all teachers in academic areas checked that the student has access to a computer in their classrooms.

4. The parent contends that extended time is not being provided in all classrooms for completion of assignments. The student had relayed to the parent that he was completing homework from a previous semester but would not receive credit for having completed the work. The IEP states that "extending time for work completion" will accommodate the student. All teachers in academic areas reported that extended time has been allowed in their classrooms for completion of the student's work for credit, and the director stated that the student's teachers all reported he has always been given credit for completed work, and that he is not currently working on any late assignments for which he would not get credit.
5. The parent contends that the school failed to provide books on tape when school began in August of 2001, and did not provide them until January of 2002. The student's IEP for the 2001 to 2002 school year, dated April 24, 2001, reported that an accommodation would be books on tape because of the student's problem with reading comprehension. Letters of communication, dated March 15 and April 26, 2001, written by the talking book service to both the school and the parent were provided to document the school's efforts to provide the talking books, but the director reported services were denied until another application was submitted in the fall of 2001 to the talking book service, who then provided the books, beginning in January of 2002.
6. The parent asserts that a copy of the CCC Summary/IEP report was not provided to her within 10 business days of the CCC meeting on March 15, 2002, and the director acknowledges the error in not providing the CCC Summary/IEP report to the parent within Article 7 timelines. The director has addressed this oversight by providing an in-service meeting regarding the requirement to send the CCC Summary/IEP report to parents within 10 business days of all case conference meetings.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the copying of assignments by the student was to be monitored daily by the resource teacher, as written in the IEP, but such monitoring was not providing daily. Therefore, a violation of 511 IAC 7-27-7(a) is found for failing to monitor the homework notebook daily in accordance with the student's IEP.
2. Finding of Fact #3 indicates that the school provided access to a computer or other form of word processor for completing long written assignments in the resource room, in the classrooms, and in the library, and that the student had the option to use those devices to complete his written work. Therefore, no violation of 511 IAC 7-27-7(a) is found regarding a computer for the student's use for lengthy writing assignments.
3. Finding of Fact #4 indicates that the student's teachers all provided additional time to complete assignments for credit and that the student has always been given credit for schoolwork he has completed. Therefore, no violation of 511 IAC 7-27-7(a) is found regarding extended time for completion of assignments.

4. Finding of Fact #5 indicates that the school attempted to acquire books on tape for the student's use as early as March of the previous school year, but that the request was turned down by the service provider until the school provided a different application to the talking book service in the fall of 2001. The student was not provided with books on tape until January of 2002. Therefore, a violation of 511 IAC 7-27-7(a) is found for failing to implement the student's IEP by acquiring books on tape for the student's use.
5. Finding of Fact #6 indicates that the director acknowledges a failure to comply with 511 IAC 7-27-5(a) and (c) by failing to provide the parent with a copy of the CCC Summary Report/ IEP within 10 business days of the case conference committee meeting. The director has provided an in-service meeting to discuss the requirement to send the CCC Summary/IEP report to parents within 10 business days of all case conference meetings and has discussed this personally with the CCC coordinator. Although a violation has occurred, the school has taken appropriate corrective action, and no further corrective action is required.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Muncie Community Schools and the Delaware-Blackford Special Education Cooperative shall:

1. Immediately reconvene the CCC to determine the student's need for compensatory services as the result of:
 - a. The failure to implement the daily homework notebook as described in the student's IEP, and
 - b. The failure to provide books on tape for the first semester of the 2001-2002 school year.

The CCC Report/IEP shall clearly describe the CCC's discussion of and recommendations regarding compensatory services. A copy of the CCC Report/IEP shall be submitted to the Division of Exceptional Learners no later than June 14, 2002.